

Department of Legislative Services  
Maryland General Assembly  
2023 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 726

(Delegate Feldmark, *et al.*)

Health and Government Operations

Finance

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Maryland Medical Assistance Program - Autism Waiver - Military Families

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This bill requires that a child on the registry for the Waiver for Children with Autism Spectrum Disorder (Autism Waiver) remain on the registry if the child's family relocates out of the State for military service. A child may be removed from the registry at the family's request. If a child on the registry becomes eligible for services while the child's family is out of the State for military service, the child must be eligible for services through the waiver if the family relocates to the State.

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Fiscal Summary

**State Effect:** None. The bill codifies current practice, as discussed below.

**Local Effect:** None.

**Small Business Effect:** None.

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Analysis

**Current Law:** The Maryland State Department of Education (MSDE) administers the Autism Waiver. The waiver is open to children age 2 to 21 who need an Intermediate Care Facility for the Intellectually Disabled level of care and have an Individualized Education Plan for 15 hours of special education and related services. The Autism Waiver provides respite care, environmental accessibility adaptations, family consultation, residential habilitation, intensive individual support services, therapeutic integration, and adult life planning. In fiscal 2022, a total of 1,471 participants were served through the waiver at an average annual cost of \$18,300.

The Maryland Department of Health (MDH) maintains and manages the waiver registry through a contracted vendor and performs eligibility verification. As of September 2022, there were 6,297 applicants on the waiver registry. On average 841 new individuals join the registry each year.

MSDE advises that, under current practice, a child from a military family is not removed from the registry if the family moves out of the State due to a military transfer unless a parent requests that the child be removed. When the family returns to Maryland, if the child still meets eligibility requirements for the waiver and the family submits a request in writing to MSDE, the child's name is placed at the top of the registry. MSDE tracks the number of military families on the registry and when they are relocated out of the State. Currently, 10 families are identified on the registry as a military family, 1 of which is out of the State.

MDH advises that, although this is current practice for MSDE, a § 1115 waiver amendment is technically required to allow this practice. MDH further advises that it can apply for such an amendment using existing budgeted resources before the effective date of the bill.

Chapter 464 of 2022, among other things, requires MDH, in conjunction with MSDE, to develop a plan to reduce the registry for the Autism Waiver that includes conducting eligibility determinations of individuals on the registry and, beginning in fiscal 2024, providing services to at least 50% of individuals determined eligible.

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### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 231 (Senator Beidle, *et al.*) - Finance.

**Information Source(s):** Maryland Department of Health; Maryland State Department of Education; Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2023  
js/ljm Third Reader - March 16, 2023

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